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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,129	09/24/2003	Julian Britt		2006

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JULIAN BRITT
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EXAMINER
CHIN, RANDALL E

ART UNIT	PAPER NUMBER
1744	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,129

Applicant(s)

BRITT, JULIAN

Examiner

Randall Chin

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Election/Restrictions

2. Applicant's election of the species of Fig. 1, claims 1-11, in the reply filed on 03 October 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

4. Claims 1-11 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claims are narrative in form and are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claims must be in one sentence form only. Note the format of the claims in the patents cited.

Claim 1 must be in one sentence form only. Also in claim 1, lines 2-3 are narrative in form and merely functional.

Claims 2-11, line 1, "A device" should just read –The device--.

Claims 2, 3 and 4, line 1, which "open-pored body" is being referred to? Claim 2 appears **redundant** of that already recited in claim 1.

Claim 3 appears to be merely **redundant** of that already set forth in claim 1.

Claims 4, 6, 8, 9, 10 and 11 are **redundant** of that already recited in claim 1.

Applicant should amend the claims to avoid a double inclusion of elements (i.e., redundancy) to avoid confusion. The claims must be clearly and accurately set forth to enable one skilled in the art to make and/or use the device.

Claim 5, "one full surface" should be clarified to structurally tie in with that already recited back in claim 1.

Claim 7, line 1, "said scouring surface/pad" should be clarified since consistent terminology should be used.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Schellings '818.

As well as the claim 1 is understood, the patent to Schellings '818 teaches an "ergonomically designed, flexible open-pored absorbent body with cleaning and scouring properties" (functional in form), the device having multiple scrubbing and cleaning surfaces (Fig. 3) "designed for effortless cleaning and ease of use" (merely functional in form), the device contains on one half of a surface, an affixed "abrasive scouring pad," designed with protruding ribs or ridges 17 to clean in hard to reach places, on the other half of the same surface is an open-pored absorbent (since it is

Art Unit: 1744

retentive to water; see p. 2, col. 1, lines 18-22) body surface, designed with protruding ribs or ridges 17 and with capabilities to clean in hard to reach places on softer surfaces, and the underside is made of an open-pored, non-ridged absorbent body 15 (p. 2, col. 2, lines 20-26) with non-scratching characteristics and good cleaning properties on planar surfaces. Note, the present language of claim 1 **never** requires the side with the two halves to be actually made from different materials. The two halves are being simply divided by an imaginary line or axis.

As for claim 2, the open-pored body is absorbent with cleaning capabilities. Note, claim 2 appears redundant of that already recited in claim 1.

As stated above, claims 3, 4, 6, 8, 9 and 10 are redundant of that already set forth back in claim 1. Therefore, no further comment is deemed necessary for the rejection of these claims.

As for claim 5, the protruding ridges extend along one full surface of the device.

As well as claim 7 is understood, the scouring surface/pad can be said to be affixed permanently to the open-pored body.

As for claim 11, said device's underside is also an open-pored absorbent body with non-scratching characteristics (for example, at the sides of body 14 or 15 in Fig. 3) and good cleaning properties on planar surfaces.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Martin, Lindquist, Gross, Lemelson, Gilchrist, and Linenfelser are relevant to various abrasive or scrubbing devices.

8. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 1744



R. Chin



Randall Chin
Primary Examiner
Art Unit 1744